

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MAX REED II,)	3:11-cv-00066-HDM-WGC
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
DEPUTY TRACY, et al.,)	
)	
Defendants.)	
_____)	

Before the court is the report and recommendation of the United States Magistrate Judge (#34), filed on January 9, 2012. In the report and recommendation, the magistrate judge recommends that this court enter an order denying the defendants' motion to dismiss (#7). No objections were filed to the magistrate judge's report and recommendation, and the time for doing so has expired.

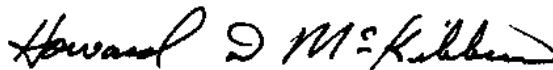
On a motion to dismiss, the court reviews a complaint to see if, on its face, it contains sufficient factual matter, accepted as true, to state a plausible claim for relief. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009). Where a plaintiff appears pro se,

1 the court construes the pleadings liberally and "afford[s the]
2 plaintiff the benefit of any doubt." *Karim-Panahi v. L.A. Police*
3 *Dep't*, 839 F.2d 621, 623 (9th Cir. 1988).

4 With these standards in mind, the court has considered the
5 pleadings and memoranda of the parties and other relevant matters
6 of record. It has made a review and determination in accordance
7 with the requirements of 28 U.S.C. § 636 and applicable case law.
8 Based on this review, and good cause appearing, the court hereby
9 adopts and accepts the report and recommendation of the magistrate
10 judge. The defendants' motion to dismiss (#7) is therefore DENIED.

11 **IT IS SO ORDERED.**

12 DATED: This 30th day of January, 2012.

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15 UNITED STATES DISTRICT JUDGE
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